

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 4780-LTS

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

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ORDER REGARDING THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' MOTION TO TERMINATE RULE 9019 MOTION

Before this Court is the *Motion of Official Committee of Unsecured Creditors to Terminate Bankruptcy Rule 9019 Motion* (Docket Entry No. 14056 in Case No. 17-3283 and

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Docket Entry No. 2144 in Case No. 17-4780, the “Motion”).<sup>2</sup> The Court has carefully reviewed and considered all of the parties’ submissions in connection with the Motion.<sup>3</sup>

The UCC has called attention to this Court’s discretionary and “inherent authority to manage its proceedings.” Reply ¶ 3. Indeed, section 105(a) of the Bankruptcy Code, 11 U.S.C. § 105(a), authorizes the Court to manage its docket. The UCC further acknowledges that this Court entered an order on August 5, 2020, granting the Government Parties’ request to submit a status report on September 25, 2020 (the “September Report”), (Motion ¶¶ 1, 12-13), yet nevertheless noticed its Motion for the omnibus hearing scheduled for September 16, 2020, (Motion at 1-2, 4), on the assumption that the September Report will not address or resolve the substance of the Motion, even though this Court’s order requires “an update on PREPA’s financial condition and proposing next steps with respect to the 9019 Motion and the Adversary Proceedings on or before September 25, 2020.” (Docket Entry No. 13988.) Moreover, the Government Parties have expressed in their status report of July 31, 2020 that, come September 25, 2020, they are “hopeful that they can report on developments regarding their evaluation of the RSA and 9019 Motion.” (Docket Entry No. 2111 in Case No. 17-4780.)

Notwithstanding the UCC’s concerns regarding the delays to the 9019 Motion, and with the intervening interruptions arising from COVID-19 and other crises, it would be inappropriate, inefficient, and wasteful to proceed to a hearing on the instant Motion the week before the September Report is due. Consequently, the Court hereby adjourns the hearing on the instant Motion to afford the Government Parties the opportunity to submit the September Report. The UCC may then respond to the September Report in the form of a supplemental brief not to exceed five (5) pages by **Friday, October 2, 2020 at 5:00 p.m. (AST)**, after which the Government Parties may respond with a supplemental response not to exceed five (5) pages by **Friday, October 9, 2020 at 5:00 p.m. (AST)**. The parties are invited to propose a hearing date in connection with the September Report and the supplemental briefs submitted thereto.

SO ORDERED.

Dated: September 11, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

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<sup>2</sup> All docket entry references herein are to entries in Case No. 17-3283, unless otherwise specified.

<sup>3</sup> *Statement of Fuel Line Lenders with Respect to Motion to Terminate Rule 9019 Motion* (Docket Entry No. 14145); *Limited Joinder of SREAEE To the Motion of Official Committee of Unsecured Creditors to Terminate Bankruptcy Rule 9019 Motion and Request to Continue the Proceedings of Adversary Proceeding No. 19-00405*. (Docket Entry No. 14146); *Joint Objection of PREPA and AAFAF to Motion of Official Committee of Unsecured Creditors to Terminate Bankruptcy Rule 9019 Motion* (Docket Entry No. 14148); *Official Committee of Unsecured Creditors’ Reply in Support of Motion to Terminate Rule 9019 Motion* (Docket Entry No. 14197, the “Reply”).